

BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

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Federal Communications Commission
Office of Secretary

In the Matter of)
)
Advanced Television Systems)
And Their Impact Upon The)
Existing Television Broadcast Service)

MM Docket No. 87-268

To: The Commission

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PETITION FOR PARTIAL RECONSIDERATION
OF SIXTH REPORT AND ORDER

The Jet Broadcasting Co., Inc. ("Jet"), licensee of UHF Television Broadcast Station WJET-TV (ABC, Channel 24), Erie, Pennsylvania, hereby requests reconsideration of the Commission's Sixth Report and Order in MM Docket No. 87-268 (FCC 97-115, released April 21, 1997). Specifically, Jet seeks reconsideration of the assignment of Channel 58 to Station WJET-TV as a DTV allocation.

Erie, Pennsylvania is ranked as the 143rd market by Nielsen. Station WJET-TV was constructed by Jet in 1966 as an ABC affiliate. It's present two stockholders, who are both engineers and residents of Erie, Pennsylvania, have operated the station since it was constructed. WJET-TV is Erie's only locally owned television station.

Since commencement of operation WJET-TV has been a leader in the Erie market in providing service to area viewers. WJET-TV is recognized as an innovator in small market broadcasting. It was the first station to provide 24-hour programming in Erie. It was also the

first Erie station to broadcast locally originated color. Its award-winning news operation is recognized as number one in the market and provides news coverage not normally associated with a small market station. In fact more viewers watch its 6:00 p.m. and 11:00 p.m. news broadcasts than viewers of all the other Erie newscasts combined. Its local news provides live coverage not only from the Erie area but throughout the world. For example, it was the 2nd local television station in the country to broadcast live from Beijing, China. Additionally, it is the only station in the market that locally produces children's programming. Its children's programming also has been the recipient of numerous awards.

In anticipation of DTV and sharing the Commission's desire for a rapid transition to DTV, Jet has expended significant funds investigating the feasibility of utilizing its existing facility for DTV. It has had a frequency sweep conducted of its facility and determined that several core channels could utilize the station's existing transmission line and be mounted on the existing WJET-TV tower. A channel in the area of 40-42 appears to offer the optimum compatibility with the existing Channel 24 operation. If such a channel is assigned to Jet for DTV, it will expeditiously construct the facility and plans to be the first Erie station to offer DTV programming.

The Commission's assignment of out-of-core Channel 58 to Jet has seriously impaired its ability to bring DTV programming to Erie. As noted in the attached technical statement, there is pending an application on Channel 58 for a new NTSC station at Youngstown, Ohio. Operation of this station, which is only 85.8 kilometers from WJET-TV, would result in devastating interference to the Jet DTV operation on Channel 58.

Moreover, operation on Channel 58 could not be quickly implemented even if interference was not a problem. Jet has determined that due to the need for waveguide for the DTV operation

on Channel 58, its present tower could not be utilized. Accordingly, Jet will be forced to locate, seek the necessary local approvals and construct a new tower for a Channel 58 DTV operation. The expense and time consuming nature of this process will unquestionably force Jet to use all of the time allowed to place the DTV station on the air. Moreover, once this facility is constructed, Jet will be forced to change frequencies again to transfer its DTV operation to a core channel.

Additionally, operation of Channel 58 puts Jet's DTV operation in an uncompetitive situation. Channel 58 will provide poorer coverage than all other DTV allocations in Erie. And, based upon experience since 1952 with UHF television, Jet's principals recognize that converters do not work reliably on these high channels. Moreover, receiver manufacturers will be optimizing receivers for the core channels thereby diminishing the reception of non-core channels such as 58. Accordingly, the allocation of Channel 58 serves no one, particularly the public in Erie, Pennsylvania.

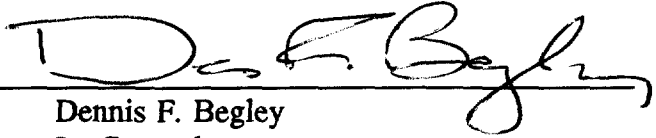
As indicated in the attached Technical Statement, alternative channels appear to be available. While the necessary allocation tools are not available to fully explore alternative channels, it appears that Channel 9, 18, 40 and 42 may be available in Erie in the core spectrum. As previously noted, Channel 42 appears to be the best choice for Jet as it offers the possibility of utilizing the existing WJET-TV tower and transmission line.

Accordingly, Jet hereby requests that the Commission reallocate a core channel -- preferably Channel 42 -- to WJET-TV for DTV operation. Such an assignment will permit Jet to immediately finalize its plans for DTV operation and to construct the facility on an expedited basis. As previously noted, Jet plans to be the first DTV operation in Erie and shares the

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Commission's commitment to a rapid roll-out of DTV operations. However, this plan can only be implemented if Jet is allocated a frequency it can utilize at the present WJET-TV site.

THE JET BROADCASTING CO., INC.

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June 13, 1997

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TECHNICAL STATEMENT
THE JET BROADCASTING CO., INC.
STATION WJET-TV
ERIE, PENNSYLVANIA

This statement was prepared on behalf of The Jet Broadcasting Co., Inc., licensee of television broadcast station WJET-TV Erie, Pennsylvania in support a petition for reconsideration of the Federal Communications Commission action in MM Docket No. 87-268, In the Matter of *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service, Sixth Report and Order*, herein "Sixth Report".

Station WJET-TV operates on NTSC channel 24, employing effective radiated power of 1,120 kilowatts with antenna height above average terrain of 290 meters. Station WJET-TV was assigned channel 58 in the Sixth Report.

DTV CHANNEL 58 INTERFERENCE

Channel 58 is proposed for use by a new NTSC applicant at Youngstown, Ohio (File Number BPET-960919LA). This proposed channel 58 NTSC station, if constructed, would be 85.8 kilometers from WJET-TV and destructive interference to the WJET-TV DTV operation would result.

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Compatible use of DTV channel 58 by WJET-TV and by a new NTSC station at Youngstown, Ohio is not possible.

ALTERNATE CHANNELS

Based on study of the allocation situation, alternate channels are available which better suit the operation of WJET-TV. Alternate channels believed to be available for WJET-TV include channel 9, 18, 40, 42 and others outside of the core spectrum. Of this group, channel 42 offers the best possibility for adequate coverage of the Erie DMA and protection of other stations from interference. Additionally, WJET-TV has had a frequency sweep of its present operation and investigated the feasibility of mounting another antenna on its tower. It has been determined that on channel 42 it could utilize its present tower and transmission line. Due to the lack of the necessary allocation tools, i.e., OET Bulletin No. 69, WJET-TV is not in a position to recommend a maximum effective radiated power on any of these channels. Additionally, DTV use in Canadian border area has not as yet been firmly established, making a channel determination which satisfies both F.C.C. and Canadian authorities difficult. Based on many years of allocation experience, we believe it will be possible to locate a channel on which WJET-TV can achieve coverage goals while providing the necessary protection to other pertinent stations.

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CONCLUSION

WJET-TV implementation of DTV service on channel 58 would be subject to destructive interference from a NTSC station proposing use of channel 58 at Youngstown, Ohio. Channel 58 is also undesirable for WJET-TV as it is outside of the "core" spectrum which would require WJET-TV to move its DTV operation to a core channel at a later date. Other more desirable DTV channels may be available for assignment to WJET-TV, such as channel 42.

The Jet Broadcasting Co., Inc. requests a replacement DTV channel within the core. A replacement channel would be subject to the requirements of OET Bulletin No. 69, which is not yet available.



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